



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 09495-97

19 August 1999

CTIC [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Chief [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 30 March 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

949597

1610
NPC-311
30 MAR 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CTIC [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, Eval Manual
(b) COMNAVSECGRU msg 181725Z SEP 97

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal or modification of his fitness report for the period of 9 July 1996 to 15 September 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The report is signed by the member indicating he desired to submit a statement. The member provides in his petition a statement of rebuttal to the report in question; however, the statement was reviewed by NPC-311 on 25 March 1999 and was found not suitable for file. The statement was returned to the member on 26 March 1999 for resubmission as outlined in reference (a), Annex S, paragraph S-8.a.

b. The member alleges that his trait marks were lowered due to his French Defense Language Proficiency Test (DLPT) not meeting COMNAVSECGRU's minimum standards. The member feels that the lowering of his trait marks was unjust due to reference (b), which eliminated this requirement.

c. Although reference (b), eliminates the requirements for E-8's to annually achieve a DPLT L2/R2 to maintain advancement eligibility; it does not eliminate the requirements for paygrades E-4 through E-7. Reference (b), paragraph 2.c specifically states that an E-7 must achieve L2/R2 as an A-I-R requirement to be eligible for the March 99 E-8 Selection Board. Even though the member did not achieve the minimum standards as set forth in reference (b), he still received a favorable promotion recommendation.

(3) AD

Subj: CTI [REDACTED] USN, [REDACTED]

d. The member also alleges that he was not advised that his leadership skills had been declining; however, the member provides in his petition a copy of the mid-term counseling performed on 23 April 1997, which he received a trait mark of "3.0" in Leadership.

e. The report represents the judgement and appraisal responsibility of the reporting senior for a specific period of time. It is not required to be consistent with previous or subsequent reports.

f. The marks, comments and recommendations are at the discretion of the reporting senior, and are not routinely open to challenge.

g. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED]

Head, Performance
Evaluation Branch